

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-fourth Legislature - Second Regular Session  
**CAUCUS AGENDA #2**  
January 28, 2020

Bill Number	Short Title	Committee	Date	Action
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**Committee on Elections**

**Chairman:** Kelly Townsend, LD16  
**Analyst:** Stephanie Jensen

**Vice Chairman:** Frank P. Carroll, LD22  
**Intern:** Jeremy Bassham

HB 2306<sup>(BSI)</sup> elections; counting center; electronic adjudication.  
SPONSOR: TOWNSEND, LD HOUSE  
ELECT 1/21/2020 DP (10-0-0-0)

**Committee on Federal Relations**

**Chairman:** Mark Finchem, LD11  
**Analyst:** Diana Clay

**Vice Chairman:** Gail Griffin, LD14  
**Intern:** Grace Korthuis-Smith

HB 2084<sup>(BSI)</sup> international boundary wall; building permits  
SPONSOR: PETERSEN, LD HOUSE  
FR 1/22/2020 DPA (4-3-0-0)  
(No: BOLDING, HERNANDEZ A, MEZA)

**Committee on Judiciary**

**Chairman:** John M. Allen, LD15  
**Analyst:** Lauren Cook

**Vice Chairman:** Walter J. Blackman, LD6  
**Intern:** Samantha Fagerburg

HB 2036<sup>(BSI)</sup> fentanyl; heroin; carfentanil; mandatory sentencing  
SPONSOR: PIERCE, LD HOUSE  
JUD 1/22/2020 DP (6-4-0-0)  
(No: ENGEL, DEGRAZIA, PAWLIK, RODRIGUEZ)

**Committee on Natural Resources, Energy & Water**

**Chairman:** Gail Griffin, LD14  
**Analyst:** Paul Bergelin

**Vice Chairman:** Timothy M. Dunn, LD13  
**Intern:** Mackenzie Nintzel

HB 2090<sup>(BSI)</sup> wind energy; siting  
SPONSOR: FINCHEM, LD HOUSE  
NREW 1/21/2020 DP (10-1-0-2)  
(No: ENGEL Abs: GABALDÓN, COOK)

HB 2219<sup>(BSI)</sup> G&F; private lands; trespassing  
SPONSOR: GRIFFIN, LD HOUSE  
NREW 1/21/2020 DP (11-0-0-2)  
(Abs: GABALDÓN, COOK)

HCR 2014<sup>(BSI)</sup> hardrock mining industry; recognition  
SPONSOR: GRIFFIN, LD HOUSE  
NREW 1/21/2020 DP (7-2-2-2)  
(No: ENGEL, TSOSIE Abs: GABALDÓN, COOK Present: CANO, LONGDON)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: GOV DP 10-0-0-0

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## **HB 2306: elections; counting center; electronic adjudication.**

**Sponsor: Representative Townsend, LD 16**  
**Committee on Elections**

### **Overview**

Outlines the conditions that apply when the Board of Supervisors authorizes the use of an electronic vote adjudication feature.

### **History**

The county Board of Supervisors (BOS) or other officer in charge of elections is responsible for all proceedings at the counting center and must conduct such proceedings in accordance with the approved Elections Procedures Manual prescribed in statute.

Current statute requires all persons that are involved in the processing and counting of ballots to be qualified electors, be deputized in writing and take an oath that they will faithfully perform their assigned duties. If any ballot is damaged or defective and cannot be properly counted by the automatic tabulating equipment, a true duplicate copy must be made with a clear label of "duplicate" along with a serial number that is recorded on the damaged or defective ballot.

The officer in charge of elections may authorize the manual counting of ballots if for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment ([A.R.S. § 16-621](#)).

### **Provisions**

1. Specifies that a duplicate copy of a *defective* ballot must be made and clearly labeled "duplicate." (Sec. 2)
2. Stipulates that certain conditions apply if the counting center automatic tabulating equipment includes an electronic vote adjudication feature that has been certified according to statute and authorized for use by the BOS or officer in charge of elections. (Sec. 2)
3. Requires the electronic vote adjudication feature to be included in the tabulation system logic and accuracy testing prescribed by statute. (Sec. 2)
4. Directs the BOS or officer in charge of elections to appoint an electronic vote adjudication board that is made up of two judges equally divided between the two largest political parties and who are overseen by an inspector. (Sec. 2)
5. Asserts that the electronic vote adjudication board must adjudicate and submit for tabulation the following:
  - a) A ballot that is read as blank by the tabulation machine in order to determine if voter intent is clear on all or a portion of the ballot;
  - b) A ballot that has more names than there are persons to be elected for that office on any portion or all of the ballot; or
  - c) To tally write-in choices as prescribed in statute. (Sec. 2)
6. States that the electronic vote adjudication process used by the electronic vote adjudication board must provide for the following:

- a) A method to track and account for the original ballot and the digital duplicate of the ballot that includes a serial number on the digital image that can be used to track the actions of the electronic vote adjudication board;
  - b) The creation and retention of comprehensive logs of all digital duplication and adjudication actions performed; and
  - c) The retention of the original and digital duplicate of the ballot. (Sec. 2)
7. Makes technical and conforming changes. (Sec. 1, 2)
8. Contains an emergency clause. (Sec. 3)

☐ Prop 105 (45 votes)    ☐ Prop 108 (40 votes)    ☒ Emergency (40 votes)    ☐ Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: FR DPA: 4-3-0-0

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## **HB2084: international boundary wall; building permits**

**Sponsor: Representative Petersen, LD 12**

**Caucus & COW**

### **Overview**

With permission of the property owner, authorizes construction of an international boundary wall without a building permit.

### **History**

The Department of Homeland Security announced in January 2020 that 100 miles of new border wall along the southwest border of the United States has been completed. "New wall has been constructed in every border state from California to Texas." ([Department of Homeland Security](#))

A city or town issuing a building permit requires a copy be sent to the appropriate county assessor and the director of the Arizona Department of Revenue. Information must include the permit number, issue date, parcel number and completion date. Except when a city or town has an ordinance addressing building permits, a county board of supervisors requires a building permit for any construction or addition to a building that totals more than \$1,000. A city, town or county may not require a Transaction Privilege Tax (TPT) license or business license as a condition of receiving a building permit. ([A.R.S. § 9-467](#) / [A.R.S. § 11-321](#))

Failure to obtain the proper *county* building permit or any other violation of law pertaining to a building permit is a *petty offense*. A petty offense is punishable by a fine up to \$300 for individuals and up to \$1,000 fine for a business plus any required surcharges. ([A.R.S. § 11-322](#))

### **Provisions**

9. Prohibits a city, town or county from requiring a property owner or nonprofit corporation to obtain a building permit if construction is for an *international boundary wall* that is located on or adjacent to an international boundary line and the landowner gives written permission to construct the wall. (Sec.1, 2)
10. Assumes the state will allow construction of an international boundary wall on state property. (Sec. 3)

### **Amendments**

Committee on Federal Relations

1. Stipulates that the property owner must provide the city, town or county with an affidavit of completion within two months after the project is complete.
2. Requires the affidavit of completion to be signed by a registered engineer certifying the work was done according to the construction plans and safety requirements.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: JUD DP 6-4-0-0

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## **HB 2036: fentanyl; heroin; carfentanil; mandatory sentencing**

**Sponsor: Representative Pierce, LD 1  
Caucus & COW**

### **Overview**

Relating to sentencing for offenses involving heroin, fentanyl, carfentanil or fentanyl mimetic substances.

### **History**

Current statute outlines drug offenses and sentencing parameters for violations. There are several categories of drugs, including narcotic drugs, dangerous drugs, prescription-only drugs and marijuana. These categories are defined in [A.R.S. § 13-3401](#).

Title 13 makes it illegal to do any of the following knowingly with a narcotic drug:

- 1) Possess or use;
- 2) Possess for sale;
- 3) Possess equipment or chemicals for manufacturing;
- 4) Manufacture;
- 5) Administer to another person;
- 6) Obtain or procure the administration by fraud; or
- 7) Transport for sale. ([A.R.S. § 13-3408](#))

These offenses range from class 2 to class 4 felonies.

Statute outlines penalties for the possession, use, sale, manufacture or transportation of a dangerous drug. ([A.R.S. § 13-3407](#)) Various penalties are provided, including an enhanced sentence if the offense involved the sale, transport for sale or manufacture of methamphetamines or possession of equipment to make methamphetamines. The presumptive term is 10 years, 15 years if the person has a previous conviction for the same offense involving methamphetamines. Additionally, the person is not eligible for sentence suspension, pardon or release until specific conditions are met.

### **Provisions**

11. Provides an enhanced sentence for a person who is convicted of any of the following offenses involving heroin, fentanyl, carfentanil or fentanyl mimetic substances:

- a) Possession for sale;
- b) Possession of equipment or chemicals for manufacturing;
- c) Manufacturing;
- d) Administering a narcotic drug to another person; or
- e) Transport for sale. (Sec 1)

12. Adds a sentencing minimum of 5 calendar years, a presumptive of 10 calendar years and a maximum of 15 calendar years for the first offense involving fentanyl, heroin, carfentanil or a fentanyl mimetic substance. (Sec 1)

13. Requires that a person who was previously convicted must have a minimum sentence of 10 calendar years, a presumptive of 15 calendar years and a maximum sentence of 20 calendar years. (Sec 1)
14. States that unless specific conditions are met, a person convicted of the below offenses involving heroin, fentanyl, carfentanil or fentanyl mimetic substances are ineligible for probation, pardon, sentence suspension or release:
- a) Possession for sale;
  - b) Possession of equipment or chemicals for manufacturing;
  - c) Administering a narcotic drug to another person; or
  - d) Transport for sale. (Sec 1)
15. Contains technical and conforming changes. (Sec 1)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 10-1-0-2-0-0

## **HB 2090: wind energy; siting**

**Sponsor: Representative Finchem, LD 11**  
**Caucus & COW**

### **Overview**

Requires Federal Aviation Administration (FAA) and Department of Defense (DOD) approval for any proposed construction or expansion of a wind turbine or wind energy facility beginning on October 1, 2020.

### **History**

#### ***Siting Wind Turbines***

Cities, towns, and counties can regulate where wind turbines or wind energy facilities are built through zoning ([Title 9, Chapter 4, Article 6.1](#) and [Title 11, Chapter 6, Article 2](#)).

#### ***Development Near Military Airports***

A political subdivision that has property in the accident potential zone near a military airport must adopt, administer and enforce zoning regulations. It cannot grant a variance without specifically finding that doing so would be compatible with that military airport ([A.R.S. § 28-8481](#)).

#### ***Federal Aviation Administration***

The FAA is charged with promoting air safety and the efficient use of navigable airspace ([49 United States Code section 40103](#)). Someone must submit [Form 7460-1](#) to the FAA if the agency requests it, or if the person is planning certain types of construction or alteration, including those that:

- Are more than 200 feet above ground level; or
- Exceed certain heights based on the distance from the closest airport runway.

The FAA will determine if the proposed construction or alteration would be hazardous to air navigation based on aeronautical study findings and the standards it has established to determine if certain structures create obstructions to air navigation and navigational and communication facilities. The FAA will issue a "no hazard" determination if this study concludes that the proposed construction or alteration will exceed the obstruction standards and not have substantially impact air navigation ([14 Code of Federal Regulations part 77](#)).

#### ***Military Aviation Installation Assurance Siting Clearinghouse***

The Military Aviation Installation Assurance Siting Clearinghouse (Clearinghouse) is responsible for coordinating the DOD review of energy project applications to ensure that these projects do not adversely impact military operations and readiness. These reviews are intended to:

- Assess likely scope, duration and risk of any adverse impact that any project would have on military operations and readiness; and
- Identify any feasible and affordable actions that DOD, the project developer or others could take to mitigate adverse impacts and minimize risks while allowing development of the energy project.

If the Clearinghouse determines that a proposed project may adversely impact military operations and readiness, it will attempt to reach an agreement with the applicant on mitigation measures ([10 United States Code section 183a](#)).

#### ***Arizona Corporation Commission***

The Arizona Corporation Commission (ACC) regulates investor-owned or privately-owned utilities that provide electricity service and utility cooperatives. Its authority does not extend to electric service provided by a

municipality, irrigation district, electric district or utilities operated by tribal authorities ([Constitution of Arizona, Article XV](#)).

### **Provisions**

16. Prohibits building or operating a proposed wind turbine or structure that requires FAA Form 7460-1 and is part of a wind energy facility (*wind generator*) from encroaching on or adversely impacting any military installation or branch starting on October 1, 2020.
17. Requires a *wind generator* that will be built or expanded to receive an active determination of no hazard from the FAA and resolve any adverse impacts to the DOD.
18. Directs the owner or operator of a proposed *wind generator* to file the FAA no hazard determination and documentation showing adverse impacts to the DOD have been resolved with the ACC.
19. Allows the ACC to adopt rules for implementing these provisions, including administrative penalties for not completing and filing the required documentation.
20. Clarifies that this construction prohibition does not apply if the *wind generator* has received a determination of no hazard or a mitigation plan before October 1, 2020.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 11-0-0-2-0-0

## **HB 2219: G&F; private lands; trespassing**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Prohibits taking wildlife from posted land without permission.

### **History**

#### ***Taking Wildlife on Closed Areas***

Arizona wildlife are property of the state and can be taken at times and in places as provided by the Arizona Game and Fish Commission's (Commission) rules ([A.R.S. § 17-102](#)). A person is prohibited, except by Commission order, from entering a game refuge or other area closed to hunting, trapping or fishing and taking, driving or attempting to drive wildlife from these areas ([A.R.S. § 17-303](#)).

#### ***Taking Wildlife on Private Lands***

Landowners or lessees can prohibit hunting, fishing or trapping on their property by posting notices or signboards, which must comply with certain criteria established in statute. Someone who enters this property may commit criminal trespassing in the third degree if:

- The land has been posted and the notices or signboards contain the words "no trespassing;" or
- That person remains on the property after a request to leave by a law enforcement officer acting on behalf of the owner, or that person disregards reasonable notice prohibiting entry to that property.

Statute is silent on whether it is a violation for someone to hunt, fish or trap wildlife on posted property ([A.R.S. § 17-304](#)).

### **Provisions**

21. Prohibits someone from taking wildlife on private land without the authorization of the landowner or lessee if "no trespassing" notices have been posted or the trespasser remains on the property after a request to leave has been made. (Sec. 1)
22. Allows private property landowners or lessees to prohibit guiding on their lands without their permission by posting their lands with notices or signboards. (Sec. 2)
23. Adds "no trespassing" or "no guiding" as options for required language on posted notices and signboards. (Sec. 2)
24. Eliminates the requirement that notices or signboards be posted at least 4 feet above the ground. (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: NREW DP 6-3-2-0-0

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## **HCR2014: hardrock mining industry; recognition**

**Sponsor: Representative Griffin, LD 14**

**Caucus & COW**

### **Overview**

Declares the Legislature's recognition of the hardrock mining industry and support for involving Arizona's government and mining industry in regulatory changes to ensure that operations remain safe and productive.

### **History**

Hardrock mining involves excavating and processing igneous and metamorphic rock for metals such as gold, silver and copper and non-fuel minerals by surface and underground mining methods.

### **Provisions**

25. Declares that the Legislature recognizes the importance of the hardrock mining industry to Arizona's economy and supports the involvement of Arizona's government and the mining industry in future regulatory changes to ensure that operations remain safe and productive.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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